

Colorado Revised Statutes 2018

TITLE 24

GOVERNMENT - STATE

ARTICLE 1.9

Collaborative Management of Multi-agency Services Provided to Children and Families

24-1.9-101. Legislative declaration. (1) The general assembly hereby finds that children and families often benefit from treatment and services that involve multiple agencies, divisions, units, and sections of departments at the state and county level.

(2) The general assembly further finds that the development of a uniform system of collaborative management is necessary for agencies at the state and county levels to effectively and efficiently collaborate to share resources or to manage and integrate the treatment and services provided to children and families who would benefit from multi-agency services.

(3) (a) The development of a more uniform system of collaborative management that includes the input, expertise, and active participation of parent advocacy or family advocacy organizations may reduce duplication and eliminate fragmentation of services; increase the quality, appropriateness, and effectiveness of services provided; encourage cost-sharing among service providers; and ultimately lead to better outcomes and cost-reduction for the services provided to children and families in the state of Colorado.

(b) In addition, the general fund moneys saved through utilizing a collaborative approach and consolidating various sources of agency funding will allow for reinvestment of these moneys by the agencies participating in the systems of collaborative management to provide appropriate support to children and families who would benefit from collaborative management of treatment and services.

(4) The general assembly therefore finds that because a collaborative approach may lead to the provision of more appropriate and effective delivery of services to children and families and may ultimately allow the agencies providing treatment and services to provide appropriate services to children and families within existing consolidated resources, it is in the best interests of the state of Colorado to establish systems of collaborative management of multi-agency services provided to children and families.

Source: L. 2004: Entire article added, p. 1547, § 1, effective May 28. **L. 2015:** (1), (2), and (3)(a) amended, (SB 15-241), ch. 140, p. 425, § 1, effective May 1.

24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver. (1) (a) Local representatives of each of the agencies specified in this subsection (1)(a) and county departments of human or social services may enter into memorandums of understanding that are designed to promote a collaborative system of

local-level interagency oversight groups and individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. The memorandums of understanding entered into pursuant to this subsection (1) must be between interested county departments of human or social services and local representatives of each of the following agencies or entities:

- (I) The local judicial districts, including probation services;
- (II) The health department, whether a county or district public health agency;
- (III) The local school district or school districts;
- (IV) Each community mental health center;
- (V) Each behavioral health organization;
- (VI) The division of youth services;
- (VII) A designated managed service organization for the provision of treatment services for alcohol and drug abuse pursuant to section 27-80-107, C.R.S.; and
- (VIII) A domestic abuse program as defined in section 26-7.5-102, C.R.S., if representation from such a program is available.

(a.5) In addition to the parties specified in paragraph (a) of this subsection (1), the memorandums of understanding entered into pursuant to this subsection (1) may include family resource centers created pursuant to article 18 of title 26, C.R.S.

(b) The general assembly strongly encourages the agencies specified in paragraphs (a) and (a.5) of this subsection (1) to enter into memorandums of understanding that are regional.

(c) Notwithstanding the provisions of subsection (1)(b) of this section, the agencies specified in subsections (1)(a) and (1)(a.5) of this section may enter into memorandums of understanding involving only one or more county departments of human or social services, not necessarily by region, as may be appropriate to ensure the effectiveness of local-level interagency oversight groups and individualized service and support teams in the county or counties.

(d) In developing the memorandums of understanding, the general assembly strongly encourages the parties to the memorandums of understanding to seek input, support, and collaboration from key stakeholders in the private and nonprofit sector, as well as parent advocacy or family advocacy organizations that represent family members or caregivers of children who would benefit from multi-agency services.

(e) Nothing shall preclude the agencies specified in subsections (1)(a) and (1)(a.5) of this section from including parties in addition to the agencies specified in subsections (1)(a) and (1)(a.5) of this section in the memorandums of understanding developed for purposes of this section, and which may include the juvenile services planning committee as described in section 19-2-211.

(1.5) The department of human services shall ensure a uniform system of collaborative management that results in statewide consistency with respect to the requirements for program memorandums of understanding pursuant to this article.

(2) (a) Each memorandum of understanding entered into shall include, but is not limited to, the requirements specified in paragraphs (b) to (j) of this subsection (2). On or before October 1, 2004, utilizing moneys in the performance incentive cash fund created in section 26-5-105.5 (3.2)(a), C.R.S., the state department of human services, in conjunction with the judicial

department, shall develop and make available to the parties specified in paragraph (a) of subsection (1) of this section, a model memorandum of understanding based on the requirements specified in paragraphs (b) to (j) of this subsection (2).

(b) **Identification of services and funding sources.** The memorandum of understanding must specify the legal responsibilities and funding sources of each party to the memorandum of understanding as those responsibilities and funding sources relate to children and families who would benefit from integrated multi-agency services, including the identification of the specific services that may be provided. Specific services that may be provided may include, but are not limited to: Prevention, intervention, and treatment services; family preservation services; family stabilization services; out-of-home placement services; services for children at imminent risk of out-of-home placement; probation services; services for children with behavioral or mental health disorders; public assistance services; medical assistance services; child welfare services; and any additional services the parties deem necessary to identify.

(c) **Definition of the population to be served.** The memorandum of understanding must include a functional definition of "children and families who would benefit from integrated multi-agency services". The collaborative management program target population consists of at-risk children and youth from birth to twenty-one years of age, or families of children or youth, who would benefit from a multi-system integrated service plan that may include prevention, intervention, and treatment services.

(d) **Creation of an oversight group.** The memorandum of understanding shall create a local-level interagency oversight group and identify the oversight group's membership requirements, procedures for selection of officers, procedures for resolving disputes by a majority vote of those members authorized to vote, and procedures for establishing any necessary subcommittees of the interagency oversight group. Each interagency oversight group shall include a local representative of each party to the memorandum of understanding specified in paragraphs (a) and (a.5) of subsection (1) of this section, each of whom shall be a voting member of the interagency oversight group. In addition, the interagency oversight group may include, but is not limited to, the following advisory nonvoting members:

- (I) Representatives of interested local private sector entities; and
- (II) Family members or caregivers of children who would benefit from integrated multi-agency services or current or previous consumers of integrated multi-agency services.

(e) **Establishment of collaborative management processes.** The memorandum of understanding shall require the interagency oversight group to establish collaborative management processes to be utilized by individualized service and support teams authorized pursuant to paragraph (f) of this subsection (2) when providing services to children and families served by the parties to the memorandum of understanding. The collaborative management processes required to be established by the interagency oversight group shall address risk-sharing, resource-pooling, performance expectations, outcome-monitoring, and staff-training, and shall be designed to do the following:

- (I) Reduce duplication and eliminate fragmentation of services provided to children or families who would benefit from integrated multi-agency services;

(II) Increase the quality, appropriateness, and effectiveness of services delivered to children or families who would benefit from integrated multi-agency services to achieve better outcomes for these children and families; and

(III) Encourage cost-sharing among service providers.

(f) **Authorization to create individualized service and support teams.** The memorandum of understanding shall include authorization for the interagency oversight group to establish individualized service and support teams to develop a service and support plan and to provide services to children and families who would benefit from integrated multi-agency services.

(g) **Authorization to contribute resources and funding.** The memorandum of understanding shall specify that each party to the memorandum of understanding has the authority to contribute time, resources, and funding to solve problems identified by the local-level interagency oversight group in order to create a seamless, collaborative system of delivering multi-agency services to children and families, upon approval by the head or director of each agency or department specified in paragraphs (a) and (a.5) of subsection (1) of this section.

(h) **Reinvestment of money saved to serve additional children and families.** The memorandum of understanding must require the interagency oversight group to create a procedure, subject to approval by the head or director of each agency or department specified in subsections (1)(a) and (1)(a.5) of this section, to allow any money resulting from waivers granted by the federal government, any local funds, and any state general fund money appropriated to the program to be used to provide services to children and families who would benefit from integrated multi-agency services, as the population is defined by the memorandum of understanding pursuant to subsection (2)(c) of this section.

(i) **Performance-based measures.** The department of human services and the persons specified in section 24-1.9-103 (2)(b) shall develop performance measures for the system of collaborative management, which measures may be modified biennially to ensure that the measures remain valid. The memorandum of understanding must identify performance measures developed pursuant to this paragraph (i). If the parties to the memorandum of understanding meet the identified performance measures, the memorandum of understanding must require the interagency oversight group to create a procedure, subject to the approval of the head or director of each agency or department specified in paragraphs (a) and (a.5) of subsection (1) of this section, to allow any incentive moneys received by the department of human services and allocated pursuant to section 24-1.9-104 to be reinvested by the parties to the memorandum of understanding to provide appropriate services to children and families who would benefit from integrated multi-agency services, as such population is defined by the memorandum of understanding pursuant to paragraph (c) of this subsection (2). The parties to a memorandum of understanding shall report annually to the department of human services on the performance measures identified in the parties' memorandum of understanding pursuant to this paragraph (i).

(j) **Confidentiality compliance.** The memorandum of understanding shall include a provision specifying that state and federal law concerning confidentiality shall be followed and that records used or developed by the interagency oversight group or its members or the

individualized service and support teams that relate to a particular person are to be kept confidential and may not be released to any other person or agency except as provided by law.

(3) Each department or division, section, unit, or agency within a department that is a party to the memorandum of understanding shall enter into the memorandum of understanding and all revisions to the memorandum. Revisions to the memorandum shall be developed as necessary to reflect department reorganizations or statutory changes affecting the departments that are parties to the memorandum.

(4) The departments and agencies that provide oversight to the parties to the memorandum of understanding specified in paragraphs (a) and (a.5) of subsection (1) of this section are authorized to issue waivers of any rules to which the departments and agencies are subject and that would prevent the departments from effective implementation of the memorandums of understanding; however, the departments and agencies are prohibited from waiving a rule in violation of federal law or that would compromise the safety of a child.

Source: **L. 2004:** Entire article added, p. 1548, § 1, effective May 28. **L. 2008:** IP(1)(a), (1)(a)(IV), (1)(a)(V), and (2)(h) amended and (1)(a)(VI) and (1)(a)(VII) added, p. 1529, § 1, effective May 28. **L. 2009:** (1)(a)(VI) and (1)(a)(VII) amended and (1)(a)(VIII) added, (HB 09-1007), ch. 32, p. 137, § 1, effective August 5. **L. 2010:** (1)(a)(VII) amended, (SB 10-175), ch. 188, p. 795, § 51, effective April 29; (1), (2)(b), (2)(d), (2)(g), (2)(h)(I), (2)(i), and (4) amended, (SB 10-007), ch. 148, p. 510, § 2, effective August 11; (1)(a)(II) amended, (HB 10-1422), ch. 419, p. 2081, § 59, effective August 11. **L. 2015:** (1.5) added and (2)(c), (2)(h)(I), and (2)(i) amended, (SB 15-241), ch. 140, p. 426, § 2, effective May 1. **L. 2017:** (2)(b) amended, (SB 17-242), ch. 263, p. 1320, § 176, effective May 25; IP(1)(a) and (1)(a)(VI) amended, (HB 17-1329), ch. 381, p. 1981, § 51, effective June 6. **L. 2018:** (1)(e) amended, (SB 18-154), ch. 161, p. 1125, § 3, effective April 25; (2)(h) amended, (SB 18-254), ch. 216, p. 1373, § 2, effective May 18; IP(1)(a) and (1)(c) amended, (SB 18-092), ch. 38, p. 439, § 94, effective August 8.

Editor's note: Amendments to subsection (1)(a)(II) by House Bill 10-1422 and Senate Bill 10-007 were harmonized. Amendments to subsection (1)(a)(VII) by Senate Bill 10-007 and Senate Bill 10-175 were harmonized.

Cross references: (1) For the legislative declaration in the 2010 act amending subsections (1), (2)(b), (2)(d), (2)(g), (2)(h)(I), (2)(i), and (4), see section 1 of chapter 148, Session Laws of Colorado 2010.

(2) For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017.

(3) For the legislative declaration in SB 18-092, see section 1 of chapter 38, Session Laws of Colorado 2018.

24-1.9-102.5. Evaluation. The department of human services shall ensure that an annual external evaluation of the statewide program and each county or regional program is conducted by an independent outside entity. The department may contract with the outside entity to conduct an external evaluation of those counties that opted not to participate in the

collaborative management program. The department of human services shall utilize moneys in the performance-based collaborative management incentive cash fund created in section 24-1.9-104, or any general fund moneys appropriated for this purpose, for annual external evaluations of the counties participating in memorandums of understanding pursuant to section 24-1.9-102, also known as the collaborative management program, as well as external evaluations as determined by the department of human services of those counties that opted to not participate in the collaborative management program. The annual external evaluation must include any evaluation that may be required in connection with a waiver authorized pursuant to section 24-1.9-102 (4) and an evaluation of whether the parties to a collaborative management program have successfully met or exceeded the performance measures identified in the parties' memorandum of understanding pursuant to section 24-1.9-102 (2)(i). Each county participating in the collaborative management program shall participate fully in the annual external evaluation.

Source: L. 2008: Entire section added, p. 1530, § 2, effective May 28. **L. 2010:** Entire section amended, (SB 10-007), ch. 148, p. 512, § 3, effective August 11. **L. 2015:** Entire section amended, (SB 15-241), ch. 140, p. 427, § 3, effective May 1.

Cross references: For the legislative declaration in the 2010 act amending this section, see section 1 of chapter 148, Session Laws of Colorado 2010.

24-1.9-102.7. Technical assistance. The department of human services shall develop and implement training for counties participating in or interested in participating in the collaborative management program. The department of human services shall utilize moneys in the performance-based collaborative management incentive cash fund created in section 24-1.9-104, or any general fund moneys appropriated for this purpose, to develop and implement training for counties. The training shall identify management strategies to collaborate effectively and efficiently to share resources or to manage and integrate the treatment and services provided to children and families receiving collaborative management services pursuant to this article.

Source: L. 2008: Entire section added, p. 1530, § 2, effective May 28. **L. 2015:** Entire section amended, (SB 15-241), ch. 140, p. 427, § 4, effective May 1.

24-1.9-103. Reports - executive director review. (1) Commencing January 1, 2007, and on or before each January 1 thereafter, each interagency oversight group shall provide a report to the executive director of each department and agency that is a party to any memorandum of understanding entered into that includes:

(a) The number of children and families served through the local-level individualized service and support teams and the outcomes of the services provided, including a description of any reduction in duplication or fragmentation of services provided and a description of any significant improvement in outcomes for children and families;

(b) A description of estimated costs of implementing the collaborative management approach and any estimated cost-shifting or cost-savings that may have occurred by

collaboratively managing the multi-agency services provided through the individualized service and support teams;

(c) An accounting of moneys that were reinvested in additional services provided to children or families who would benefit from integrated multi-agency services due to cost-savings that may have resulted or due to meeting or exceeding performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i);

(d) A description of any identified barriers to the ability of the state and county to provide effective services to persons who received multi-agency services; and

(e) Any other information relevant to improving the delivery of services to persons who would benefit from multi-agency services.

(2) (a) Utilizing the reports created pursuant to subsection (1) of this section, the persons specified in paragraph (b) of this subsection (2) shall meet at least annually with the governor, or his or her designee, to review the activities and progress of counties and agencies engaged in collaborative management of multi-agency services provided to children and families. The purpose of the meeting shall be to identify barriers encountered in collaborative management development or implementation or reinvestment of moneys and to discuss and effectuate solutions to these barriers to achieve greater efficiencies and better outcomes for the state, for local communities, and for persons who would benefit from multi-agency services.

(b) The following persons or their designees shall attend the annual meeting required pursuant to subsection (2)(a) of this section:

(I) The commissioner of education;

(II) A superintendent of a school district that has entered into a memorandum of understanding and has met or exceeded the performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i), as such superintendent is selected by the commissioner of education;

(III) A director of a county department of human or social services that has entered into a memorandum of understanding and has met or exceeded the performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i), as such director is selected by the executive director of the state department of human services;

(IV) The executive director of the department of health care policy and financing;

(V) The executive director of the department of human services;

(VI) A director of a local mental health center that has entered into a memorandum of understanding and has met or exceeded the performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i), as such director is selected by the executive director of the department of human services;

(VII) A representative from a statewide parent advocacy or family advocacy organization who participated in the development of a memorandum of understanding, as such representative is selected by a director of a county department of human or social services chosen by the state department of human services;

(VIII) The executive director of the department of public health and environment; and

(IX) The chief justice of the Colorado supreme court.

Source: L. 2004: Entire article added, p. 1552, § 1, effective May 28. L. 2015: (1)(c), (2)(b)(II), (2)(b)(III), and (2)(b)(VI) amended, (SB 15-241), ch. 140, p. 428, § 5, effective May 1. L. 2018: IP(2)(b), (2)(b)(III), and (2)(b)(VII) amended, (SB 18-092), ch. 38, p. 439, § 95, effective August 8.

Cross references: For the legislative declaration in SB 18-092, see section 1 of chapter 38, Session Laws of Colorado 2018.

24-1.9-104. Cash fund - creation - grants, gifts, and donations. (1) On July 1, 2005, there shall be created in the state treasury the performance-based collaborative management incentive cash fund, which shall be referred to in this section as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly to the department of human services for state fiscal year 2005-06 and each fiscal year thereafter. The fund shall consist of moneys received from docket fees in civil actions and transferred as specified in section 13-32-101 (5)(a)(II), C.R.S.

(2) The executive director of the department of human services is authorized to accept and expend on behalf of the state any grants, gifts, or donations from any private or public source for the purposes of this section. All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the fund in addition to moneys credited pursuant to subsection (1) of this section and any moneys that may be appropriated to the fund directly by the general assembly. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state or any other fund at the end of any fiscal year.

(2.5) Notwithstanding any provision of this section to the contrary, on June 1, 2009, the state treasurer shall deduct three hundred thousand dollars from the fund and transfer such sum to the general fund.

(3) (a) On and after July 1, 2005, the executive director of the department of human services shall allocate the moneys in the fund, and any general fund moneys appropriated for this purpose, to provide incentives to parties to a memorandum of understanding who have agreed to performance-based collaborative management pursuant to section 24-1.9-102 (2)(i) and who, based upon the annual report to the department of human services pursuant to section 24-1.9-102 (2)(i), have successfully met or exceeded the performance measures identified in the parties' memorandum of understanding pursuant to section 24-1.9-102 (2)(i). The incentives shall be used to provide services to children and families who would benefit from integrated multi-agency services, as such population is defined by the memorandum of understanding pursuant to section 24-1.9-102 (2)(c).

(a.5) On and after July 1, 2008, the executive director of the department of human services is authorized to allocate moneys in the fund, and any general fund moneys appropriated for this purpose, to be used to cover the direct and indirect costs of the external evaluation of the performance-based collaborative management program described in section 24-1.9-102 and the technical assistance and training for counties as described in section 24-1.9-102.7.

(b) For purposes of allocating incentive moneys pursuant to this subsection (3), the executive director of the department of human services shall submit an accounting of moneys in the fund available for incentives, and any general fund moneys appropriated for this purpose, and a proposal for the allocation of incentive moneys to the state board of human services for review and approval prior to the allocation of the moneys. The state board of human services shall approve the proposal not later than thirty days after receipt of the proposal from the executive director of the department of human services.

Source: L. 2004: Entire article added, p. 1554, § 1, effective May 28. **L. 2008:** (3)(a.5) added, p. 1531, § 3, effective May 28. **L. 2009:** (2.5) added, (SB 09-279), ch. 367, p. 1926, § 7, effective June 1. **L. 2011:** (1) amended, (HB 11-1303), ch. 264, p. 1164, § 54, effective August 10. **L. 2015:** (3) amended, (SB 15-241), ch. 140, p. 428, § 6, effective May 1; (1) amended, (SB 15-264), ch. 259, p. 958, § 60, effective August 5.